

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ADINA MCCOLLOUGH, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

No. 16-CV-03777

SMARTE CARTE, INC.,

Defendant.

**DEFENDANT SMARTE CARTE, INC.'S
RULE 12(b)(1) AND 12(b)(6) MOTION TO DISMISS**

Pursuant to Rule 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Smarte Carte, Inc. (“Smarte Carte”) hereby moves to dismiss Plaintiff Adina McCollough Class Action Complaint (“Complaint”). In support of this motion, Smarte Carte is filing contemporaneously herewith a supporting Memorandum of Law. WHEREFORE, Smarte Carte respectfully request the Court to grant this motion and enter an order dismissing the Complaint with prejudice and granting such other relief as the Court deems appropriate.

Dated: May 6, 2016

Respectively submitted,

SMARTE CARTE, INC.

By: /s/ Joseph A. Strubbe

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that the foregoing **Defendant Smarte Carte Inc.'s Rule 12(b)(1) and 12(b)(6) Motion to Dismiss** was electronically filed with the Clerk of Court on May 6, 2016 using the CM/ECF system that will send notification of the filing to all parties of record.

By: /s/ Joseph A. Strubbe